

TITLE 8 DEVELOPMENT CODE

DIVISION 4: LAND USES

CHAPTER 6: SPECIAL USES.

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84.0601 General Provisions.

(a) The uses described in this chapter shall be permitted in a land use district, subject to the issuance of a Special Use Permit. Special Use permits are required to regularly monitor the operation of certain land uses to insure their continued compatibility with the surrounding property.

(b) Failure to comply with all conditions of this Section shall render the Special Use Permit to be null and void and subject to all enforcement, criminal and civil penalty provisions of this Development Code and all other remedies and penalties provided by law, and are not limited or superceded by these Sections.

(c) Special Use Permit applications shall be denied if there are any violations of San Bernardino County Code Division 3, Chapters 1 through 11 on the property for which the application is filed and appropriate legal action will be taken to abate such violation.

(d) The Chief, County Fire Department or the Chief of the Division of Environmental Health Services or the Building Official may add additional conditions or requirements as deemed necessary to any Special Use Permit.

(e) Special Use Permits shall be renewed annually, unless otherwise specified by this chapter and inspections will be conducted by the County Fire Department or the Division of Environmental Health Services prior to each annual renewal.

Readopted Ordinance 3341 (1989); Amended Ordinance 3611 (1995)

84.0605 Dependent Housing.

(a) One (1) detached dependent housing unit as defined in Division 12 of the Development Code may be permitted per parcel in any land use district as a temporary accessory use to any permitted single dwelling unit; provided, however, that there is only one (1) single dwelling unit occupying the site.

(b) Requirements.

(1) The permittee shall occupy at least one (1) of the dwelling units on the premises.

(2) The permittee shall own the dependent housing unit.

(3) Application for a permit shall be made by a resident owner of the subject property on which the dependent housing unit is to be located, or his legal agent having power of attorney to make such application.

(4) Renewal of Permit. Permits for a dependent housing unit shall be issued for a period not to exceed twenty-four (24) months and may be renewed for additional twenty-four (24) month periods subject to the provisions of this section and Division 3.

(5) Change of Residency. The permittee shall submit written notification to the Department of Environmental Health Services of any change of residency in the dependent housing unit.

(c) Findings. Prior to acting upon an application for a Special Use Permit for a dependent housing unit, the reviewing authority shall find that all of the following are true:

(1) That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, building coverage, setbacks, parking areas and other requirements of the Code.

(2) The proposed dependent housing unit is clearly subordinate in size, location and appearance to the principal unit.

(3) Issuance of the permit shall not be detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity and district in which the use is located.

(4) The dependent housing unit shall be erected, constructed or installed so as to allow for its removal.

(5) The appearance of the dependent housing unit and the method of siting are compatible with the surrounding built environment.

(d) Conditions.

(1) Permitted Structural Types.

(A) Units constructed to meet County Uniform Building Code Standards including, but not limited, panelized structures or other structural types which may be affixed to a foundation but disassembled at a later date; or

(B) Units constructed to meet the standards of the National Manufactured Home Construction and Safety Standards Act of 1974 subject to the issuance of a mobilehome permit.

(2) Floor Area. A maximum floor area of eight hundred and forty (840) square feet shall be permitted on parcels which are in land use districts requiring less than two and one-half (2 1/2) acres minimum lot area. Parcels in land use districts which require two and one-half (2 1/2) acres minimum lot area shall have a maximum floor area of one thousand six hundred (1,600) square feet. Park model travel trailers shall have a minimum of four hundred (400) square feet.

(3) Design Standards.

The appearance of any temporary dependent housing unit erected, constructed or set down in accordance with the provisions of this section shall be similar to, or compatible with, the appearance of the principal residence to which the temporary dependent housing unit is to be accessory.

(4) Parking. Additional parking for the dependent housing unit shall not be required if the existing off-street parking complies with the applicable parking requirements of the Development Code, or if the resident(s) of the dependent housing unit are incapable of operating a motor vehicle.

(5) Location. The dependent housing unit shall not extend beyond the principal unit where such principal unit faces a right-of-way.

(6) Lot Area. A dependent housing unit shall not be permitted on any parcel which does not have at least seven thousand two hundred (7,200) square feet.

(7) Removal of Unit. As a condition of permit approval, the permittee shall sign a Certificate of Land Use Compliance, which shall be recorded, and which places the responsibility upon the permittee to comply with the provisions of this section, describing the method of removal of the dependent housing unit, and acknowledging that the permittee shall bear the cost of removal of such unit.

Readopted Ordinance 3341 (1989)

84.0610 Exotic Animals.

(a) The keeping of exotic animals, as defined in Division 12 and as determined by the County Veterinarian shall be permitted as an accessory use to single dwelling unit subject to the following regulations.

(b) Requirements.

(1) Prior to giving notice the reviewing authority shall request that the County Veterinarian submit a statement regarding the particular animal's mature behavior and personality characteristics. Notice given to adjacent property owners shall include a description of the type of animal and its behavior characteristics.

(2) Any action to approve a request for a Special Use Permit for an exotic animal shall not be effective until written evidence is received by the Chief, County Fire Department that:

(A) The applicant has applied for and obtained a permit from the Public Health Department.

(B) The applicant has applied for and obtained a permit from the State Department of Fish and Game.

(c) Conditions. Any action to approve a request for an exotic animal Special Use Permit shall include the following conditions in addition to any conditions deemed appropriate by the reviewing authority:

(1) The keeping of the animal must comply with all County Code requirements including setbacks from property lines and other dwellings.

(2) The keeping of the animal must comply with all applicable Federal and State requirements.

(3) No more than two (2) exotic animals over the age of six (6) months may be kept as an accessory use to a single dwelling unit, unless a Conditional Use Permit for a menagerie or zoo has been approved.

(4) Each exotic animal must have sufficient area to be maintained and exercised in a normal healthy manner as determined by the County Veterinarian.

(5) Each permit shall specify the periodic renewal period and inspection requirements.

Readopted Ordinance 3341 (1989); Amended Ordinance 3611 (1995)

84.0615 Home Occupations

(a) Home Occupations are commercial uses which are accessory and incidental to a residential land use where such a use will clearly not alter the character nor the appearance of the residential environment. Home occupations shall only be permitted as an accessory use to a legal residential land use. Home Occupations are separated into three classes of operations. Class I operations shall be permitted land uses in all regions of the County. Class II operations shall be allowed in all regions and shall be subject to a Special Use Permit which is renewed on a biennial basis. Class III operations shall be allowed only in the Desert Region and shall be subject to a Special Use Permit which is renewed on a biannual basis. If a permit is required, only one permit is needed per household. The application for such permit will describe all business activity being conducted on-site.

(1) Home Occupation Class I: Home Occupation Class I are those operations that have no impact on the neighborhood in which they are located. All work is performed exclusively by phone, mail, or the Internet; or the work is the activity of creative artists, music teachers, academic tutors or similar educational instructors and the activity is limited so that there are no impacts on the neighborhood. This class is a permitted accessory use. No Special Use Permit is required. When the operator needs documentation from the County that his/her business is legal, a Home Occupation Permit may be issued for these operations using the procedures for a Class II Home Occupation Permit. Class I operations are permitted in all regions of the County.

Typical activities: Artist, writer, composer, teleworker, network marketer, music teacher, etc.

(2) Home Occupation Class II: Home Occupation Class II are those operations that have a limited impact on the neighborhood in which they are located. Generally, only one nonresident employee is permitted and only a limited number of customers or clientele may visit the site. In the Mountain and Desert Regions, up to two nonresident employees may be permitted when the Land Use Services Director makes the required findings. Class II operations are permitted in all regions of the County.

Typical activities: Pet groomer, hair stylist (one work station), tax consultant, yard maintenance, etc.

(3) Home Occupation Class III: Home Occupation Class III are those operations that have a limited impact on the neighborhood in which they are located but also are slightly more intense than Class II in that they involve the direct sales of products or merchandise to the public. Subject to specific standards, up to five nonresident employees are permitted. Class III operations are only permitted in the Desert Region of the County.

Typical activities: Any activity that has the direct sales of products or merchandise or requires more than two nonresident employees.

(4) Notwithstanding the foregoing, this section shall not apply to any child care institution, child day care facility, group home, adult day care facility or any other social care facility that is duly licensed by the appropriate federal, state or local agency.

(5) Prohibited Home Occupations. Except as provided in subsection (N) below, the following uses are not incidental to nor compatible with residential activities and therefore shall not be allowed as home occupations:

- (A) Animal hospitals;
- (B) Automotive and other vehicle repair (body or mechanical) to include the repair of engine, muffler or drive train components of the vehicle; upholstery; painting or storage;
- (C) Carpentry and cabinet making, not to include woodworking which results in the creation of small wood products or single pieces of furniture;
- (D) Food preparation and food sales;
- (E) Kennels or catteries;
- (F) Massage parlors;
- (G) Medical and dental offices, clinics and medical laboratories;
- (H) Repair shops or service establishments, except repair of small electrical appliances, cameras, or other similar items;
- (I) Riding stables;
- (J) Large scale upholstery service, not to include the reupholstering of separate, individual pieces of furniture or other objects;
- (K) Welding and machining;
- (L) Vermicomposting;
- (M) Any other use determined by the Director of Land Use Services that is not incidental to and/or compatible with residential activities.

(N) In the Desert Region of the County, the above uses could be considered for a Home Occupation Permit on parcels greater than two and one-half (2½) acres if approved by the Director of Land Use Services or an authorized designee. An application for such use will be considered on a case-by-case basis.

(b) GENERAL STANDARDS. The operators of home occupations shall make every attempt to be a "good neighbor" and respect the rights of their neighbors. All classes of home occupations shall adhere to the following standards:

(1) Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.

(2) The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.

(3) The home occupation shall be confined to an enclosed structure, either the residence itself or an authorized accessory structure as described in Section 84.0510 of this Title.

(4) The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or signs. The uses of utilities and community facilities shall be limited to that

normally associated with the use of property for residential purposes. The street address shall be prominently posted so that it is easily visible from the street.

(5) If operation is to be operated by a tenant of the property, notarized written permission from the property owner for the use of the property for the home occupations shall be submitted.

(6) All required permits from other agencies and departments shall be submitted with the Home Occupation Permit application.

(7) Noise emanations shall not exceed fifty five (55) dBA as measured at the property lines at all times.

(8) Any activity producing glare shall be carried on so that direct or indirect light from the source shall not cause glare onto an adjacent parcel.

(9) No equipment or processes shall be used on the subject property which create smoke, fumes, odors or vibrations that are disruptive to surrounding properties.

(10) Chemicals, solvents, mixtures or materials which are corrosive, toxic, flammable, an irritant, a strong sensitizer, or other similar materials used in a home occupation shall be used and stored in accordance with regulations of the San Bernardino County Fire Department, Hazardous Materials Division.

(11) Parking shall comply with the parking requirements specified by Division 7, Chapter 6 of this Title. Additional on-site parking beyond that required in Division 7 shall be provided for any additional vehicles used in connection with the home occupation. One additional parking space shall be provided for each non-resident employee. Such parking must be prepared as parking spaces, easily accessible (including accommodation for winter conditions in the mountains) and must be used for parking any vehicles used in connection with the home occupation.

(12) Public advertising (e.g. handbills) shall only list: phone number, home occupation operator's name, post office box and description of business. Location information shall be limited to community name only. Business address or location should not be included in any public advertising, with the exception of a telephone directory (white pages) and business cards.

(13) No outdoor storage of equipment, materials or supplies or display of goods or products shall be permitted. Within the Desert Region of the County, if the subject property is at least 5 acres in area, outdoor storage is permitted if properly screened from view.

(14) No process, operation, or activity will result in the appearance of parts, equipment, materials, tools, or supplies outside a permitted structure or building for the purpose of the process, operation, or activity such that they can be observed for time periods of thirty (30) or more consecutive minutes from a position of driving or walking on the public streets.

(c) HOME OCCUPATIONS CLASS I STANDARDS

(1) All work is performed exclusively by phone, mail, or the Internet or is the activity of creative artists.

(2) There are no sales of products on the premises, except produce (fruit and vegetables) grown on the subject property.

(3) The only customers or clientele who may visit the residence are those as provided in subsection (c)(2) above and the students of music teachers, academic tutors and similar instructors. The instruction of such students shall be provided on an individual basis and by appointment only. More than one student from the same family will be considered as being on an individual basis.

(4) All employees, partners or operators of the home occupation, shall be members of the resident family and shall reside on the premises.

(5) Up to twenty-five percent (25%) or two hundred fifty (250) square feet, whichever is greater, of the total floor area of the dwelling unit and related accessory structures, may be used for storage of materials and supplies related to the home occupation.

(d) HOME OCCUPATIONS CLASS II STANDARDS

(1) There are no sales of products on the premises, except produce (fruit and vegetables) grown on the subject property.

(2) Except as provided in subsection (d)(1) above, only a limited number of customers or clientele visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for personal and business activities shall not exceed 12 trips per day.

(3) All employees, partners or operators of the home occupation, except one (1), shall be members of the resident family and shall reside on the premises provided all the required findings can be made. In the Mountain and Desert Regions, a second nonresident employee may be authorized by the Land Use Services Director provided all required findings can be made. The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on-site. For purposes of this section, business employees shall not include child care or domestic help.

(4) Up to twenty-five percent (25%) or two hundred fifty (250) square feet, whichever is greater, of the total floor area of the dwelling unit and related accessory structures, may be used for storage of materials and supplies related to the home occupation.

(5) Operating hours of a Home Occupation shall be between the hours of seven (7:00) a.m. and eight (8:00) p.m.

(e) HOME OCCUPATIONS CLASS III STANDARDS

(1) The property is at least one (1) acre in area.
(2) There are direct sales of products or merchandise to the public.
(3) Only a limited number of customers or clientele visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for personal and business activities shall not exceed 20 trips per day.

(4) All employees, partners or operators of the home occupation, except two (2), shall be members of the resident family and shall reside on the premises provided all the required findings can be made. The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on-site. If the subject property is at least five (5) acres in area, a total of five (5) non-resident employees shall be allowed. For the purposes of this section, business employees shall not include child care or domestic help.

(5) A non-illuminated identification sign, not to exceed twelve (12) square feet in area and stating the business name and telephone number shall be permitted. If not attached to the residence, such a sign shall not exceed six (6) feet in height and must blend with the architectural style of the structure and the neighborhood. This sign is only permitted in a land use district other than Single Residential (RS) or Multiple Residential (RM).

(6) Up to thirty-five percent (35%) of the total floor area of the dwelling unit and related accessory structures or five hundred (500) square feet, whichever is greater, may be used for storage of materials, supplies and equipment related to the use.

(7) Operating hours of a Home Occupation shall be between the hours of seven (7:00) a.m. and eight (8:00) p.m.

(f) REQUIRED FINDINGS. No Home Occupations Permit shall be approved unless the Director, or an authorized designee, is able to make the following findings in taking an action to approve or conditionally approve a Home Occupation Permit:

(1) The proposed home occupation will comply with all provisions of the Home Occupation general and class standards specified within the County Development Code;

(2) The issuance of the Home Occupation Permit will not be detrimental to the public health, safety and welfare;

(3) The issuance of the Home Occupation Permit will not adversely affect the persons residing in the vicinity of the proposed home occupation; and

(4) The proposed use will be consistent with all applicable policies, programs and provisions of the General Plan and any applicable specific plan.

(5) When a second nonresident employee is requested for Class II operations in the Mountain and Desert Regions, the second nonresident employee will not substantially impact the neighborhood, and there is adequate prepared, easily accessible, year-round off-street parking.

(g) Nothing in this section shall prevent a homeowner's association or a landlord from adopting a rule, regulation, or by-law prohibiting home occupations on the premises under their respective jurisdictions. Such rule shall supersede the effect of this section with respect to the premises covered by such rule. Furthermore, nothing in this section shall preclude, invalidate or override any existing covenant, by-law, rule, or regulation of a common interest community, housing cooperative or landlord which prohibits, restricts or regulates, in a stricter manner than this section, home occupations.

(h) Grandfather provision: If a property owner has received an approved Home Occupation Permit, continues to operate his/her business in accordance with that permit but no longer meets the standards established for such permit, he/she may apply for biennial renewals of such permit as long as the business remains in continuous operation. Such operations will be considered as a legal, nonconforming use. If such use is discontinued for one hundred eighty (180) days or longer, it shall be deemed terminated and the permit shall not be renewed.

Readopted Ordinance 3341 (1989); Amended Ordinance 3446 (1991); Amended Ordinance 3657 (1996); Amended Ordinance 3825 (2001); Amended Ordinance 3840 (2001);

84.0620 Bed and Breakfast Uses.

(a) Bed and Breakfast Uses as defined in Division 12 shall be permitted in all residential Land Use Districts and all Land Use Districts where residential uses are permitted.

(b) Requirements.

(1) Only a single family dwelling structure, including habitable accessory structures shall be considered for Bed and Breakfast Uses.

(2) This use shall be conducted as an accessory use only; the residential structure shall serve as the primary residence of the owner. If a corporation is the owner, a majority shareholder of the corporation shall reside in the residential structure where the said use is proposed.

(3) All Bed and Breakfast Uses shall be subject to:

(A) Special Use Permit as specified in this Title. The Special Use Permit is renewable annually;

(B) Health Permit as specified in Title 3 of the County Code. The Health Permit is renewable annually;

and

(C) Transient Occupancy Tax (bed tax).

(4) Application for a permit shall be made by the resident property owner or his legal agent having power of attorney to make such application.

(5) Where deemed appropriate by the Chief, County Fire Department or the Chief of the Division of Environmental Health Services Department, owners/ operators of Bed and Breakfast Uses shall be required to sign and record a Certificate of Land Use Compliance and abide by the provisions outlined therein.

(c) Findings. Prior to acting upon an application for a Special Use Permit for a Bed and Breakfast Use, the reviewing authority shall find that all the following are true:

(1) That the site upon which the Bed and Breakfast Use is to be established, shall conform to all standards of the Land Use District in which it is located, and that the site for the proposed use is adequate in size and shape to accommodate said use and all yards, building coverage, setbacks, parking areas and other applicable requirements of the Code.

(2) That the residential character of the neighborhood in which the use is located shall be maintained and preserved and that the issuance of the permit shall not be significantly detrimental to the public health, safety and welfare or injurious to the vicinity and district in which the use is located.

(d) Conditions.

(1) Structural Features.

(A) All dwelling units proposed for Bed and Breakfast use must comply with standards and specifications of the Uniform Building Code, and shall also be subject to the Room Occupancy Standard outlined in the State Housing Law (as amended).

(B) Each guest room shall be equipped with a fire extinguisher and a smoke detector conforming to the Uniform Building Code Standards (UBC No. 43-6), and exit/egress and an emergency evacuation map must be displayed in a prominent location in each guest room.

(2) Accesses and Driveways. The owner shall ensure that all required accesses, driveways and parking spaces remain clear and unobstructed, and are available and ready for the occupants' use at all times.

(3) Parking. In addition to the required parking standards for residential uses, one (1) parking stall nineteen (19) feet in length and nine (9) feet in width shall be provided on-site for each guest room. Such additional parking spaces shall comply with the location and design standards established by the applicable Land Use District and the provisions of this Title. Neither on-street parking nor tandem parking shall be used to satisfy this on-site parking requirement. Additional parking spaces may be required when deemed necessary by the reviewing authority.

(4) Design Standards.

(A) A Bed and Breakfast Use shall not be permitted in a dwelling that is located on a site that has less than the applicable lot area specified by the underlying Land Use District.

(B) Alterations and modifications may be made to the structures and the site but such alterations shall be compatible with the character of the neighborhood. Such alterations and modifications shall also comply with all applicable provisions, requirements and standards of the County Code.

(C) Additional landscaping may be required to screen parked vehicles from direct view of the neighbors, particularly where such parking is located within the front yard setback.

(D) Any lights used to illuminate the site shall be designed so as to reflect away from adjoining properties and public thoroughfares.

(E) A non-illuminated identification sign, not to exceed six (6) square feet in area is permitted. If not attached to the residence, such sign shall not exceed six (6) feet in height and must blend with the architectural style of the structure and the neighborhood.

(F) No Bed and Breakfast use shall be permitted where more than two such uses currently exist within one thousand (1,000) feet of the perimeter of the proposed site.

(5) Kitchen Facilities.

(A) There shall be no cooking facilities permitted in guest rooms.

(B) The sale of food or other materials is limited to guests who are currently residing on the premises where the use is located and not to the general public.

(6) Records of Patrons. Records of all guests who patronize the Bed and Breakfast establishment shall be preserved for a minimum period of three (3) years before such records are discarded.

(7) Miscellaneous Conditions.

(A) Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.

(B) The use shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.

(C) There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible from outside the home.

(D) The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises and vibrations.

(E) The uses of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

(e) Penalty for Noncompliance. The reviewing authority may void any Special Use Permit for a Bed and Breakfast Use for noncompliance with the conditions set forth in approving the permit, and shall give notice of such action to the permittee.

(f) Types of Bed and Breakfast Uses. Bed and Breakfast Uses shall be classified into three (3) types:

(1) Host Home (having one or two guest room[s]).

(A) Such use shall not be permitted on a site that is less than five thousand (5,000) square feet of lot area. A minimum lot area of seven thousand two hundred (7,200) square feet is required for host homes with two (2) guest rooms.

(B) Such homes shall have a minimum of two (2) bathrooms.

(2) Bed and Breakfast Home (having three to five guest rooms).

(A) In addition to the Special Use Permit, such use shall be subject to a Conditional Use Permit.

(B) This use shall not be permitted on a site that has less than the net lot area specified below:

No. of Guest Rooms	Minimum Lot Size
3	8,200
4	9,200
5	10,200

(C) Such home shall have a minimum of three (3) bathrooms.

(3) Bed and Breakfast Inn/Lodge having a minimum of six (6) and a maximum of ten (10) guest rooms.

(A) Structures of Historical, Architectural and Cultural significance.

(I) Only residential structures that have been determined to be of historical, architectural or cultural significance by the Planning Commission, or properties which are on the State or National listing of structures of historical significance shall be permitted to be used as a Bed and Breakfast Inn/Lodge.

(II) The Planning Commission may establish Historic and Scenic Preservation Standards and shall review the proposal for a determination of historical, architectural or cultural significance. In making such determination, the Planning Commission shall consider the:

(i) Architecture of the structure noting the history, uniqueness and style of the design;

(ii) Historical and/or cultural value(s) of the property and/or the site;

(iii) Age of the structure and its physical and structural condition.

(III) After such determination, the structure shall be placed on: (1) State lists of Points of Historic Interest and Historic Landmarks, or (2) the National Register of Historic Places.

(B) The Planning Commission may require the preservation and maintenance of significant permanent landscaping features and significant historical, architectural and/or cultural features of the structure and/or property.

(C) A residential building that has been declared a historical structure shall be subject to pre-alteration inspection by a designated County official prior to application for Bed and Breakfast Use and report of such inspection must accompany the application.

(D) All historical structures proposed for Bed and Breakfast Uses shall comply with all current applicable Uniform Building Code standards, including those regarding historical building and those pertaining to the physical and structural conditions of the building and the site.

(E) In addition to the Special Use Permit, this use shall be subject to a Conditional Use Permit.

(F) This use shall not be permitted on a site that has less than twenty thousand (20,000) square feet of lot area and one thousand (1,000) square feet of additional lot area shall be required for each additional guest room over six (6).

(G) Such homes shall have a minimum of four (4) bathrooms. The owner shall provide access for the physically handicapped.

(4) Any use that is the subject to an approved Conditional Use Permit may also be made subject to the issuance of a Special Use Permit.

(5) Special Use Permits may be issued for limited time periods. New applications may be required for Special Use Permit renewal.

Readopted Ordinance 3341 (1989); Amended Ordinance 3611 (1995)

84.0625 Recycling Facilities.**(a) Requirements.**

No person, corporation, or legal entity shall place or permit the placement and/or operation of any recycling facility, including a reverse vending machine, collection facility or processing facility without first obtaining any permits required pursuant to the provisions set forth in this Chapter. Recycling facilities may be permitted as set forth in the following table.

	<u>Type of Facility</u>	<u>Land Use Districts</u>	
		<u>Permitted</u>	<u>Permit Required</u>
(1)	Reverse Vending Machine(s) up to 50 sq. ft.	All Commercial and All Industrial	No permit required
(2)	Small Collection Facility up to 500 sq. ft.	All Commercial and All Industrial	Special Use Permit
(3)	Large Collection Facility over 500 sq. ft.	All Commercial except CN and All Industrial	Conditional Use Permit
(4)	Light Processing Facility up to 4,500 sq. ft.	CG, CS IC, IR	Conditional Use Permit
(5)	Heavy Processing Facility over 4,500 sq. ft.	IC, IR	Conditional Use Permit

All facilities, in addition to other designated permits, may be subject to a special use permit and/or health permits as may be required in Title 3 of the San Bernardino County Code.

(b) Criteria and Standards.

Recycling facilities subject to Conditional Use Permit or Special Use Permit, shall meet the applicable criteria and standards listed below, provided that the Planning Director, Chief of the County Fire Department, the Planning Commission, or Board of Supervisors may relax such standards or impose stricter standards at their discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter and the purposes of this Title. The criteria and standards for recycling facilities are as follows:

(1) Reverse vending machines:

Reverse Vending Machines do not require any permits under this Title.

(2) Small Collection Facilities:

(A) Facility shall be established as an accessory use to a primary commercial or industrial use which is in compliance with the zoning, building and fire codes of the County of San Bernardino and shall not occupy more than five hundred (500) square feet of floor space.

(B) Containers shall be constructed and maintained with durable, waterproof and rustproof material and shall be covered;

(C) Containers shall be clearly marked to identify the type(s) of recyclable(s) which may be deposited;

(D) Facility shall be clearly marked to identify the name and telephone number of the facility operator;

(E) Site shall be swept and maintained in a dust-free, litter-free condition on a daily basis;

(F) Facility shall be setback at least ten (10) feet from any street right-of-way and shall not obstruct pedestrian or vehicular circulation.

(G) The facility shall not impair the landscaping required for any concurrent use by this title or any permit issued pursuant thereto;

(H) Noise level shall not at any time exceed sixty-five (65) dBA as measured at the property line of residentially zoned or occupied property; and shall not exceed seventy (70) dBA at any point.

(I) Small collection facilities shall not include power-driven sorting and/or consolidation equipment, such as crushers or bailers, except reverse vending machines;

(J) Signs may be provided as follows:

In addition to the signs and certificates issued by the Department of Conservation, and Division of Recycling, which must be displayed by the operator/processor and the informational signs required by this chapter:

(I) Unattended container not over fifty (50) cubic feet in bulk and not over nine (9) feet in height may have a maximum sign area of four (4) square feet;

(II) Other containers or units may have one flat-mounted sign per side of container or wall of enclosure of 20% of the surface of the side up to a maximum of sixteen (16) square feet.

(K) Use of the facility for collection of solid wastes or hazardous wastes, as defined in Division 12 of Title 8 of the San Bernardino County Code and as specified by Section 812.08020 of Title 8 of the San Bernardino County Code, is prohibited;

(L) If the permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration;

(M) Attended facilities located within one hundred (100) feet of a property zoned or occupied for residential use shall be in operation during the hours between 9:00 a.m. and 7:00 p.m., and otherwise during the hours of operation of the host business. Containers for the twenty-four (24) hour donation of materials shall be at least thirty (30) feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;

(N) The facility shall conform to all development regulations for the land use district in which it is located;

(O) Mobile Recycling Units shall have an area clearly marked to prohibit other vehicular parking during the hours when the Mobile Unit is scheduled to be present;

(P) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:

(I) The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;

(II) A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site; and,

(III) The permit will be reconsidered at the end of twelve (12) months. Parking credits in an established parking facility may then be granted as follows:

For a commercial host use:

<u>Number of Available Parking Spaces</u>	<u>Maximum Reduction</u>
0-25	0
26-35	2
36-49	3
50-99	4
100+	5

For a community facility host use:

A maximum five (5) spaces reduction will be allowed when not in conflict with parking needs of the host use.

(3) Large Collection Facilities:

A Large Collection Facility is one that is larger than five hundred (500) square feet, or is on a separate property not appurtenant to a host use, and may have a permanent building. A Large Collection Facility is permitted in designated commercial and industrial Land Use Districts with a Conditional Use Permit, provided the facility meets the following standards:

(A) Facility is located at least one hundred and fifty (150) feet from the property line of any residential use or land use District which allows residential land uses.

(B) Facility shall be screened from the public right-of-way by operating in an enclosed building or within an area enclosed by an opaque fence at least six (6) feet in height with landscaping and shall meet all applicable noise standards specified in this chapter;

(C) Setbacks and landscape requirements shall be those provided for the Land Use District in which the facility is located;

(D) All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition, or may be baled or placed on pallets. Storage containers for flammable material shall be constructed of non-flammable material. Oil storage must be in containers approved by the County Fire Department. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing, screening or landscaping;

(E) The site shall be maintained free of litter, dust, flies, and any other undesirable materials, and shall be cleaned of loose debris on a daily basis;

(F) Space shall be provided on site for six (6) vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the Planning Agency determines that allowing overflow traffic above six (6) vehicles is compatible with surrounding businesses and public safety.

(G) One (1) parking space shall be provided for each commercial vehicle operated by the recycling facility. Parking requirements shall be as provided for in the Land Use District in which the facility is located, except that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary such as when employees are transported in a company vehicle to a work facility;

(H) Noise levels shall not exceed sixty-five (65) dBA as measured at the property line of residentially zoned property, and shall not exceed seventy (70) dBA at any point;

(I) If the facility is located within five hundred (500) feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.;

(J) Any containers or enclosures provided for after-hours donation of recyclable materials shall be at least fifty (50) feet from any property zoned, planned or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secured from unauthorized entry or removal of materials;

(K) Donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited; facility shall display a notice stating that no material shall be left outside the recycling containers;

(L) Facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs shall meet the standards of the zone; and directional signs may be installed with the approval of the Planning Officer if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way;

(M) Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved at the discretion of the Planning Agency if noise and other conditions are met.

(4) Processing Facilities:

(A) Facility shall be located at least one hundred and fifty (150) feet from property planned, zoned or occupied for residential use and operations shall take place within a fully enclosed building or within an area enclosed by a solid wood or masonry fence at least six (6) feet in height.

(B) Setbacks from property lines shall be those provided for the land use district in which the facility is located. If the setbacks is less than twenty-five (25) feet, the facility shall be buffered by a landscape strip at least ten (10) feet wide along each property line;

(C) If the facility is located within five hundred (500) feet of property planned, zoned or occupied for residential use, it shall not be in operation between 7:00 P.M. and 7:00 A.M. The facility shall be administered by on-site personnel during the hours the facility is open;

(D) Noise level shall not exceed sixty-five (65) dBA as measured at the property line of an existing residence or land use district allowing residential land uses, and shall not exceed seventy (70) dBA at any point;

(E) Sign criteria shall be those provided for the zoning district in which the facility is located and the provisions specified in Chapter 7 of Division 7 of Title 8 of the San Bernardino County Code. In addition, the facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation;

(F) Any containers or enclosures provided for after hours donation of recyclable materials shall be at least fifty (50) feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secured from unauthorized entry or removal of materials;

(G) Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers;

(H) No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties;

(I) Power-driven processing shall be permitted, provided all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting or source-separated recyclable materials and repairing of reusable materials;

(J) A light processing facility shall be no larger than 45,000 square feet and shall have no more than an average of two (2) outbound truck shipments of material per day and may not shred, compact or bale ferrous metals other than food and beverage containers;

(K) A processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code;

(L) All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition or may be baled or placed on pallets. Storage containers for flammable material shall be constructed of non-flammable material. Oil storage must be in containers approved by the Chief of the County Fire Department. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing, screening or landscaping;

(M) Site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present;

(N) Space shall be provided on-site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. A minimum of six (6) parking spaces or on-site drive-through stacking capacity for ten (10) vehicles shall be provided.

(O) One (1) parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as mandated by the zone in which the facility is located.

(c) Site Clean-Up Required.

The operator and host business of any recycling collection or processing facility shall, on a daily basis, remove any and all recyclable materials or solid wastes which have accumulated or are deposited outside the containers, bins, or enclosures intended as receptacles for such materials. Upon the failure to remove said materials, the County may deem them to be abandoned and may enter the site to remove the materials. The property owner(s) of the premises and the operator of the facility shall be liable for the full cost of any such clean up work done by the County.

Readopted Ordinance 3341 (1989); Amended Ordinance 3611 (1995); Amended Ordinance 3657 (1996); Amended Ordinance 3864 (2002)

84.0630 Private Kennels and Catteries.

(a) The establishment of private kennels and catteries shall be subject to the following regulations:

(1) Notice shall be given in accordance with Staff Review With Notice procedure.

(2) Any action to approve a request for a private kennel or cattery as an established use in a Resource Conservation, Agriculture, or Rural Living Land Use District shall not be effective until written evidence is received by the Chief, County Fire Department that the applicant has applied for and obtained all required permits from San Bernardino County Public Health Department, Office of Preventive Veterinary Services.

(b) Conditions:

Any action to approve a request for a private kennel permit as an accessory use shall include the following conditions:

(1) The establishment of the Private kennel must comply with all provisions of San Bernardino County code, Title 3, Division 2, Chapter 3, Commercial Kennels.

(2) The keeping of the animals must comply with all County Code requirements including but not limited to setbacks from property lines and other dwellings.

(3) A minimum lot size/parcel size of two and one half (2 1/2) acres per parcel shall be required with a maximum of fifteen (15) dogs per parcel permitted.

(4) Private kennels shall be required to be inspected by the Department of Public Health quarterly. One annual inspection shall be conducted jointly by the Department of Public Health and the County Fire Department. Written reports from the Department of Public Health must be submitted to the County Fire Department after each quarterly inspection.

(5) Noise shall be attenuated to 55 dBA from the property line.

(6) The permit application may be denied if two (2) or more contiguous property owners submit substantive objection in writing to DEHS.

(7) All direct and indirect glare from the source shall not cause glare upon adjacent property owners.

(8) All fencing shall comply with San Bernardino County Code, Title 3, Division 2, Chapter 3. The special use permit may require the use to be fully screened from adjacent properties.

(9) One sign not to exceed twelve (12) square feet in area stating "Private Kennel" with a twenty four (24) hour emergency phone number must be posted at all entries to the parcel.

Readopted Ordinance 3341 (1989); Amended Ordinance 3611 (1995); Amended Ordinance 3612 (1995)

84.0635 Special Uses.

(a) Any use that is the subject of an approved Conditional Use Permit in accordance with the provisions of Division 3 may also be made subject to the issuance of a Special Use Permit.

(b) Special Use Permits may be issued for limited time periods. New applications may be required for Special Use Permit renewal.

Readopted Ordinance 3341 (1989)

84.0640 Hazardous Waste Facilities.

All specified hazardous waste facility applications shall be subject to a Special Use Permit with a copy of the disclosure statement required by Health and Safety Code Section 25200.4. The purpose of the Special Use Permit shall be to evaluate the operation and monitoring plan of the facility, to ensure the facility has adequate measures for monitoring on-going impacts to air quality, groundwater, and environmentally sensitive resources, to evaluate the types and quantities of wastes that will be treated or disposed of at the facility, and to require periodic inspections of the facility to ensure conditions of approval are implemented and monitored.

Readopted Ordinance 3341 (1989); Amended Ordinance 3446 (1991)